

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE:)	
)	
CHANGES/UPDATES IN TIME)	General Order 09-4
PERIOD CALCULATIONS IN)	
LOCAL RULES and IN STANDING)	
and GENERAL ORDERS)	
)	

ORDER

On March 26, 2009, the Supreme Court of the United States approved amendments to the Federal Rules of Bankruptcy Procedure, designed to remove inconsistency and unnecessary complications associated with the computation of time periods in the Rules. On May 7, 2009, the Statutory Time Period Technical Amendments Act of 2009 was enacted. The law adjusts the time periods in 28 statutes, including nine sections of the Bankruptcy Code, which are impacted by the upcoming federal rule changes. Both the statutory and rule changes will take effect on December 1, 2009.

Therefore, IT IS ORDERED that, pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure, EFFECTIVE DECEMBER 1, 2009:

1. The time period calculations in the Local Rules for the Bankruptcy Court in the Southern District of Illinois are amended as identified and indicated below:

Local Rule

Modification

2003-2

Any request to continue or reschedule a 341 Meeting is changed from 5 days before the 341 meeting to 7 days before the 341 meeting.

2003-4	The time for the trustee to file the 341 Meeting Event is changed from 2 days to 7 days.
2015-1(C)	The time for the trustee to file a report of receipts and disbursements or a report of no receipts and disbursements is changed from 10 days to 14 days.
2015-1(D)	The time for the trustee to file a report of sale is changed from 5 days to 7 days.
4001-1(D) (1)	The time for objecting to motions for relief from stay is changed from 15 days to 14 days. (The language in the sample notice is also changed from 15 days to 14 days.)
4003-1	The time for objecting to motions to avoid liens under § 522(f) is changed from 20 days to 21 days.
7041-1	The time to request that an adversary case not be dismissed after dismissal of the underlying bankruptcy case is changed from 10 days to 14 days.
9006-1	The time for objecting to motions for relief from stay is changed from 15 days to 14 days.
9013-3	The time for filing responsive briefs (on motions to dismiss, to strike, to make more definite, for judgment on the pleadings, and for summary judgment) is changed from 10 days to 14 days.
9014-2	The time for submitting proposed orders to the Court is changed from 5 days to 7 days.

2. The time period calculations for General and Standing Orders for the Bankruptcy Court in the Southern District of Illinois are amended as identified and indicated below:

**General &
Standing Orders**

Modification

General Order 08-7

This Order adopted Interim Bankruptcy Rule 1007-I. The deadlines contained in

subdivision (c) of Rule 1007-I are changed from 15-day periods to 14-day periods. The Court adopts Rule 1007-I as revised.

General Order 08-5	The time for objections to confirmation of original plans and amended plans is changed from 20 days to 21 days.
General Order 08-4	The time for submitting exhibits prior to a court hearing is 7 days (paragraph c reflects 5 days, but the deadline was changed to 7 days by General Order 09-1).
General Order 08-3	The time for objecting to a mortgagee's notice of adjusted amount/mortgage payment change is changed from 25 days to 28 days.
Amended Standing Order 07-5	The time for debtor to dispute adjusted amount filed by holder of mortgage claim is changed from 25 days to 28 days (section 4C reflects 20 days, but the deadline was previously changed to 25 days by General Order 08-3); the time for parties to exchange documentary evidence concerning debtor's post petition payment history prior to a preliminary hearing on a motion for relief from stay is changed from 5 days to 7 days; the time to request copies of payment advices and/or tax returns from debtor is changed from 15 days to 14 days before the first date set for the 341 meeting; the time for debtor to file a motion for discharge and notice of motion is changed from 20 days to 21 days after the filing of the trustee's report of plan completion.
General Order 07-4	The time for debtor to file a motion for discharge and notice of motion is changed from 20 days to 21 days after the filing of the trustee's report of plan completion.
General Order 07-3	The time for modifications of plan to be received in trustee's office in order for trustee to distribute funds in accordance with terms of proposed modification remains 3 days prior to the regular disbursement date.
General Order 05-3	This Order was repealed by General Order 08-6, except that Interim Rule 5012 remained in effect until replaced by a

permanent national rule. Interim Rule 5012 has a 20-day and 5-day reference. This rule has not been amended.

Standing Order 05-2

The time to request copies of payment advices is changed from 15 days to 14 days before the first date set for the 341 meeting.

Standing Order 05-1

The time for parties to exchange documentary evidence concerning debtor's post petition payment history prior to a preliminary hearing on a motion for relief from stay is changed from 5 days to 7 days; the time for debtor to amend plan to adjust the mortgage payment amount when debtor has no objection to notice of payment change is changed from 10 days to 14 days; the time after Court's ruling on debtor's objection to mortgage holder's notice of payment change for debtor to amend plan to conform to ruling is changed from 10 days to 14 days; the time for creditors to request copies of payment advices is changed from 15 days to 14 days before the first date set for the 341 meeting; the time for objections to confirmation of original plans and amended plans is changed from 20 days to 21 days.

General Order 05-1

Rescinded.

Standing Order 02-1

The time after the filing of the petition for debtor to serve a paper copy of the petition to the trustee is changed from 5 days to 7 days (this Order refers to chapter 7 and chapter 13 cases - this is no longer required for chapter 13 debtors).

General Order 01-3

The time for debtor to submit a liquidation analysis (pursuant to trustee's request) is changed from 10 days to 14 days.

ENTERED: Nov 12, 2009



CHIEF JUDGE DAVID R. HERNDON